

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APR 01 2004
O I P E
U. S. PATENT & TRADEMARK OFFICE
In re Application of: Helen K. Purss et al. Art Unit: 1743
Serial No.: 10/085,658 Examiner: NOT YET KNOWN
For: POLYMERIC MEMBRANES AND USES THEREOF
Date: March 29, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE TO FILE MISSING PARTS

SIR:

Applicant hereby petitions pursuant to MPEP 711.03(c)II that the Commissioner withdraw the holding of abandonment in the above-identified patent application (“the Application”).

The facts of the case are as follows:

1. I, the undersigned, am the head of the Intellectual Property Department in the New York Office of Baker & McKenzie.
2. On or around January 29, 2004, Applicant’s attorney Frank Gasparo received a telephone call from Cherrie M. Haywood of the USPTO Office of Initial Patent Examination. Ms. Haywood said she was about to send out a Notice of Abandonment. Mr. Gasparo, an attorney under my supervision, asked what was the reason for abandonment. Ms. Haywood stated that the applicant failed to reply to a Notice to File Missing Parts mailed on May 16, 2002.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail on March 29, 2004 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. We retrieved our docket record for the Application and the physical file jacket from our record room.

4. A copy of the docket record is attached as Exhibit A.

5. A copy of the front cover of the file jacket is attached as Exhibit B.

6. A search in the docket record (Exhibit A) shows no entry for a Notice to File Missing Parts mailed on this date. If the Notice to File Missing Parts had been received, it would have been entered as an action item in the docket record. The docket system would then have automatically populated a reply date of 2 months from the date of the Notice to File Missing Parts.

7. A manual search in the file jacket indicates that the Notice to File Missing Parts was not received. If the Notice to File Missing Parts had been received, it would be present in the file jacket. It is not in the file jacket.

8. If the Notice to File Missing Parts had been received, the front cover of the file jacket (Exhibit B) would have appropriate entries entered under the "Date of Off Actions" column, "Description" column, "Response Due" column, "Atty." column. No such entries appear on the file jacket cover.

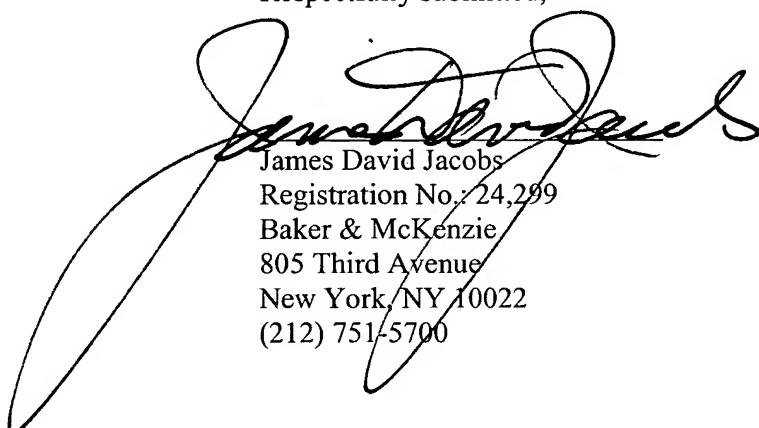
9. After verifying that the status of the Application under the USPTO PAIR system shows that the application was abandoned, on January 29, 2004, we called Ms. Haywood back to ask for copies of the Notice to File Missing Parts and to confirm that the Notice had not been received.

10. Ms. Haywood said she would mail a Notice of Abandonment with a copy of the Notice to File Missing Parts in question. Copies of the Notice to File Missing Parts and the Notice of Abandonment are attached as Exhibit C.

From the above facts, Applicants submit that the abandonment of the application should be withdrawn because Notice to File Missing Parts was not received, and the Applicant's attorney only recently uncovered the application's status as being abandoned.

No fee is believed due with the filing of this petition. However, if any fee is due, or to credit any overpayment, the Commissioner for Patents is hereby authorized to charge Deposit Account no. 02-0393 of Baker & McKenzie.

Respectfully submitted,



James David Jacobs
Registration No. 24,299
Baker & McKenzie
805 Third Avenue
New York, NY 10022
(212) 751-5700



Patent: 56104576-32, United States, Regular, National,
Original Filing

Patent Data

Docket Number	56104576-32	Attorney	Frank M. Gasparo
Country	United States	Agent	
Case Type	Regular	Client\Division	Gradipore Limited
Relation Type	Original Filing	Current Owner	
Filing Type	National	Billing Attorney	James David Jacobs, Esq.
Filing Number		File Location	
Status	Filed	First Filing Date	2/27/2001
Sub Status		Sub Status Date	
Parent Country	Australia	Parent Filing Date	
Parent Number	PR 3407	Parent Grant Date	2/27/2001
Application Number	10/085,658	Application Date	2/27/2002
Patent Number		Grant Date	
Publication Number		Publication Date	
Assigned	Assignment Recorded	Ind. Claims\Designs	3
Convention Type	Based on Priority Case	Total Claims	53
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	MJPP	Customer Name	Baker McKenzie - New York

Title

POLYMERIC MEMBRANES AND USES THEREOF

Description

PCT Application No. PCT/AU02/00210 filed 2/27/2002.

Current Expense Information

Other Case-Related Information

Actions

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
Foreign Filing Complete	2/27/2001			2/27/2001	James David Jacobs,	Frank M. Gasparo	

Notice of Missing Parts Mail date	4/1/2002	6/1/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
Assignment Filed	4/15/2002	4/15/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
POA Filed	4/27/2002	4/15/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
Priority document received	4/27/2002	3/11/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
IDS Filed	5/27/2002	12/5/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
Notice Missing Parts Filed	6/1/2002	4/15/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
Benefit of Earlier Appl. Claimed	6/27/2002	2/27/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
Published	8/27/2002		Esq.	James David Jacobs, Esq.	Frank M. Gasparo
PCT Application Filed	2/27/2003	2/27/2002	Esq.	James David Jacobs, Esq.	Frank M. Gasparo
Not. of Abandonment date	1/29/2004		Esq.	James David Jacobs, Esq.	Frank M. Gasparo
(Abandon?)	3/29/2004		Esq.	James David Jacobs, Esq.	Frank M. Gasparo
Petition Due	3/29/2004		Esq.	James David Jacobs, Esq.	Frank M. Gasparo

Inventors

Inventor Name Assignment Date

Helen K. Purss

Marcus J. Caulfield

David H. Solomon

Other Nos

Other Number Code Other Number Other Number Date

Arter & Hadden Ref. No. 75978-20015

Client Ref. No. E 13

USPTO Confirm No. 8649

Group Art Unit 1743

Assignment Recordation Number 012849/0612 4/24/2002

CreateUser: AHF

CreateDate: 2/4/2002

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UpdateUser: NYCAHF

UpdateDate: 3/11/2004



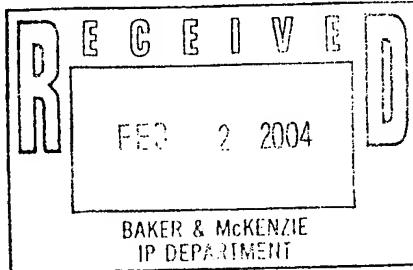
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/085,658	02/27/2002	David Henry Solomon	56104576-32

CONFIRMATION NO. 8649

26453
 BAKER & MCKENZIE
 805 THIRD AVENUE
 NEW YORK, NY 10022



ABANDONMENT/TERMINATION LETTER



OC000000011777955

Date Mailed: 01/29/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/16/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT INFORMATION

Docketed 2/6/04 Atty JDJCase 56104576-32Due Date 3/29/2004Action Petition to WD Holding of
By Amelia Finken

Abandonment



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE